

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES:</b> <b>KRS 439.600</b> <b>3-JTS-5H-15-1; 5I-06</b> <b>3-JDF- 5G-14-1</b> <b>3-JCRF-5G-08</b> <b>1-JBC-5H-14-1; 5I-05</b> <b>4-JCF-3A-17; 5I-03</b>
<b>CHAPTER: Program Services</b>		<b>AUTHORITY: KRS 15A.0652</b>
<b>SUBJECT: Authorized Leave: Day Releases and Furloughs; Supervised Off-grounds Activities</b>		
<b>POLICY NUMBER: DJJ 332</b>		
<b>TOTAL PAGES: 7</b>		
<b>EFFECTIVE DATE: 1/04/2016</b>		
<b>APPROVAL: Bob D. Hayter</b>		<b>, COMMISSIONER</b>

## **I. POLICY**

Supervised off-grounds activities, day releases, furloughs, and approved leave for emergencies may be permitted to meet the treatment objectives of public offenders (POs) who are in placement. Authorized leave may be granted for youthful offenders (YOs) consistent with the stipulations of Kentucky Revised Statute (KRS) 439.600.

## **II. APPLICABILITY**

This policy and procedure shall apply to each group home and youth development center (YDC).

### *Limited Applicability*

*This policy shall not be applicable to youth in the aftercare phase of the Cadet Leadership and Education Program (CLEP).*

## **III. DEFINITIONS**

Refer to Chapter 300.

## **IV. PROCEDURES**

- A. Supervised off-grounds activities, day releases, and furloughs shall be planned to meet treatment objectives.
- B. Eligibility for day releases and furloughs shall be consistent with the youth's Treatment Track. At a minimum, the plan for day releases and furloughs consistent with the assigned Treatment Track shall be as follows:
  1. Misdemeanor Treatment Track - one (1) day release and one (1) weekend furlough or up to seventy-two (72) hours.

<b>POLICY NUMBER</b> <b>DJJ 332</b>	<b>EFFECTIVE DATE</b> <b>1/04/2016</b>	<b>PAGE NUMBER</b> <b>2 of 7</b>
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2. Felony Treatment Track –one (1) day release and two (2) weekend furloughs or up to seventy-two (72) hours for each approved furlough.
  3. Youth committed as a youthful offender shall not be eligible for day release or furlough without approval of the Commissioner.
  4. Youth probated as a youthful offender but committed as a public offender shall be eligible for day release and furlough as outlined above.
- C. Off-grounds activities, day releases, and furloughs shall be utilized for PO's, unless extenuating circumstances exist or treatment team determines that the use of furloughs is contraindicated in assisting the youth in achieving treatment goals.
- D. Prior to off-grounds activities, day releases, and furloughs staff shall receive instructions regarding existing conditions requiring medical care.
- E. Supervised Off-grounds Activities
1. Facility SOPs shall address confidentiality, program security, and accountability to the community. The treatment team and Superintendent shall be sensitive to escape risks and the ultimate priority of maintaining safety for the youth and the community.
  2. POs and YOs may participate in supervised off-grounds activities with approval of the treatment team and Superintendent.
  3. Staff shall take the following items on supervised off-grounds activities, not including routine, in-town outings:
    - a. Completed demographic documentation;
    - b. Photograph of youth; and
    - c. Completed medical release documentation.
- F. Youth assigned to Level 4 and 5 secure facilities may be eligible for individual or group off-grounds activities, community activities, day releases, or furloughs with approval of the Regional Division Director through the chain of command.
- G. The youth's treatment team shall recommend a day release or furlough only after the youth achieves Development Level, excluding medical and emergency furloughs. Day passes may be issued upon the youth obtaining Development Level. Youth will not be furlough eligible until the last week of Development Level.
- H. Planning for day releases and furloughs shall be discussed during aftercare planning at the initial treatment planning (ITP) meeting.
- I. Day Releases
1. For day releases to the parent or caregiver the following shall occur:

<b>POLICY NUMBER</b> <b>DJJ 332</b>	<b>EFFECTIVE DATE</b> <b>1/04/2016</b>	<b>PAGE NUMBER</b> <b>3 of 7</b>
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- a. If the day release will include the youth visiting their home, the home evaluation shall be updated if the preliminary home evaluation was not conducted within the past six (6) months.
  - b. The youth counselor and Juvenile Service Worker (JSW) shall coordinate the rules for the day release agreement.
  - c. The Superintendent and Juvenile Services District Supervisor (JSDS) shall review the recommendation of the treatment team and make a final decision.
  - d. If approved for day release, the youth counselor shall complete the day release paperwork and send to the JSW and JSDS for approval.
  - e. The youth and parent or caregiver shall sign and receive a copy of the conditions of the day release, with the original being placed in the youth's hard case file.
  - f. Prior to the unescorted day release of a YO, a request through the Regional Division Director shall be submitted to the Commissioner or designee, seeking final approval for the unescorted day release consistent with the provision of KRS 439.600.
  - g. Declared juvenile sexual offenders (JSOs) shall only be approved for a day release, furlough, or emergency leave through the chain of command by the Director of Community and Mental Health Services and the appropriate Regional Director. Furlough time for declared JSO's, prior to program completion, shall be considered on a case by case basis and shall not exceed ten (10) days.
2. For day releases for education or work release the following shall occur:
  - a. Program procedures may allow for youth's participation in unescorted leave for employment or school programs.
  - b. For POs, facilities shall request, through their chain-of-command, from the Commissioner or designee, approval for unescorted day releases for ongoing educational or career related activities on an individual basis.
  - c. For YOs, facilities shall request approval through the chain of command to the Classification Branch for work release.
3. Any discrepancies in planning or approving day releases shall be addressed through appropriate chain of command for review and approval, with the final decision being made by the Deputy Commissioners, if necessary.
4. The youth counselor shall forward written notification of the intended day release, to the JSW, seven (7) days prior to the anticipated leave.

<b>POLICY NUMBER</b> <b>DJJ 332</b>	<b>EFFECTIVE DATE</b> <b>1/04/2016</b>	<b>PAGE NUMBER</b> <b>4 of 7</b>
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5. The conditions of the day release and documentation shall be given to the youth prior to the day release.

**J. Furloughs**

1. Prior to a youth being approved for furlough, the following shall occur:
  - a. The treatment team shall evaluate the readiness of the youth, home, and the community;
  - b. The youth counselor shall request an updated home evaluation on the proposed furlough residence. Furloughs shall not be permitted where a home evaluation hasn't been completed or cannot be approved;
  - c. If approved for furlough by the treatment team, the youth counselor shall coordinate with the JSW to develop the furlough agreement, which shall include goals and objectives for planned activities;
  - d. The youth counselor shall send the furlough agreement to the JSW, JSDS, Superintendent, and Facilities Regional Administrator (FRA) for approval;
  - e. The youth and parent or caregiver shall have the furlough agreement explained to them. The youth and parent or caregiver shall sign and receive a copy of the furlough agreement and shall receive documentation to accompany them during the furlough. The originals shall be placed in the youth's hard case file;
  - f. While the youth is on furlough, the youth shall maintain daily contact with the facility as stipulated in the furlough agreement; and
  - g. Prior to the furlough of a YO, a request through the Regional Division Director shall be submitted to the Commissioner or designee, seeking final approval for the furlough consistent with the provision of KRS 439.600.
  - h. Furloughs shall be planned in such a manner that the youth's educational needs continue to be met by facility educational staff, including scheduling furloughs around weekends and holidays. Educational staff may also lengthen school days during the week to allow the youth to go on furlough on a Friday or Monday, provided all local educational requirements continue to be met.
2. The youth counselor shall notify the JSW and the facility school administrator of an intended furlough seven (7) days prior to the anticipated start date.
3. Prior to the furlough the counselor shall forward the conditions of furlough documentation to the JSW for approval and signature.

<b>POLICY NUMBER</b> <b>DJJ 332</b>	<b>EFFECTIVE DATE</b> <b>1/04/2016</b>	<b>PAGE NUMBER</b> <b>5 of 7</b>
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4. Any differences, in planning or approving furloughs, shall be addressed through the supervisory channels, with the final decision being made by the Deputy Commissioner of Program Operations and the Deputy Commissioner of Community and Mental Health Services.

**K. Medical Furlough**

1. Medical furloughs for youth in a YDC and group home shall be requested through the chain of command for approval by the Regional Division Director and Director of Medical Services.
2. Medical furloughs of a YO may be authorized as provided in KRS 439.600. Prior to the medical furlough of a YO, the Regional Division Director and Director of Medical Services shall submit a written request through the chain of command to the Commissioner or designee seeking final approval.
3. A medical furlough shall be governed by a written medical furlough agreement, which shall outline the length of the medical furlough and behavioral expectations of the youth during the medical furlough.
4. The medical furlough agreement shall be agreed upon by signature of the youth, parent or caregiver, JSW, and the treatment team with approval by the Superintendent and JSDS, before the youth is placed on medical furlough.
5. Copies of the signed agreement shall be placed in the youth's hard case file, given to the youth, the JSW, and parent or caregiver supervising the youth during the medical furlough. Supporting documentation regarding a youth's specific medical condition shall be placed in the youth's medical case file.
6. While the youth is on medical furlough, the JSW shall maintain weekly contact with the youth and his family, commensurate with the youth's anticipated community phase level after the youth is released from the facility.
7. Medical furloughs shall be granted for the duration as specified by the youth's attending physician, and approved by Director of Medical Services.

**L. Emergency Furlough**

1. The Superintendent or designee shall verify, with assistance of the JSW, the circumstances of the emergency.
2. The youth counselor shall initiate the request for an emergency furlough of a PO and submit it through the supervisory channels, with the final approval being granted by the Facilities Regional Administrator (FRA). The FRA shall notify the Regional Division Director on the same day of the emergency furlough.

<b>POLICY NUMBER</b> <b>DJJ 332</b>	<b>EFFECTIVE DATE</b> <b>1/04/2016</b>	<b>PAGE NUMBER</b> <b>6 of 7</b>
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3. The facility staff shall notify the JSW when the emergency furlough is planned or has occurred. The JSW shall immediately notify the JSDS.
  4. During the emergency furlough period, the JSW shall maintain contact with the youth and parent or caregiver commensurate with the youth's anticipated community phase level after the youth is released from the facility. During the emergency furlough period, the youth counselor shall maintain at least weekly contact with the youth and parent or caregiver.
  5. The youth counselor shall document the approval for emergency furlough in the electronic record.
  6. Emergency furlough shall not exceed more than seven (7) consecutive days, without proper authorization. The extension of the emergency furlough shall be approved by the Regional Division Director.
  7. The emergency furlough for a YO shall only be approved as provided in KRS 439.600. Prior to the emergency furlough of a YO, the Regional Division Director shall submit a written request to the Commissioner or designee seeking final approval for the emergency furlough.
  8. The youth counselor, JSW, JSDS, and Superintendent shall approve the emergency furlough agreement.
  9. The youth and parent or caregiver shall have the emergency furlough agreement explained to them. The youth and parent or caregiver shall sign and receive a copy of the emergency furlough agreement and shall receive documentation to accompany them during the emergency furlough. The originals shall be placed in the youth's hard case file.
  10. In case of the critical illness or death of an approved immediate family member, the youth may be allowed to go to the bedside under escort or alone, when statutes and circumstances allow.
- M. If there is non-compliance during a day release, medical furlough, emergency furlough, or furlough the following shall occur:
1. The day release, medical furlough, emergency furlough, or furlough may be cancelled at any time due to the youth's non-compliance with the agreements or other significant factors related to the youth's status in the program.
  2. If violations or circumstances occur that requires the day release, medical furlough, emergency furlough, or furlough to be cancelled, the following procedures shall be followed:
    - a. If the youth is with the parent or caregiver, the parent or caregiver shall notify the JSW and the youth counselor of any alleged violations or circumstances. The JSW and the youth

<b>POLICY NUMBER</b> <b>DJJ 332</b>	<b>EFFECTIVE DATE</b> <b>1/04/2016</b>	<b>PAGE NUMBER</b> <b>7 of 7</b>
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counselor shall assess the situation to determine the action needed while considering the youth, parent or caregiver, and community safety;

- b. If the youth counselor or the JSW becomes aware of violations, they shall contact each other and assess the circumstances of the violations and develop recommendations regarding the actions needed. Notification shall be made to the JSDS and the Superintendent or Administrative Duty Officer (ADO);
- c. Prior to cancellation of a medical furlough, approval shall be granted by the Regional Division Director and the Director of Medical Services;
- d. If a decision is made to return the youth to the facility, the youth counselor, JSW, JSDS, and Superintendent or ADO shall develop the plan to have the youth returned to the facility; and
- e. A Commissioner's Warrant shall be used to facilitate the return of a youth to the designated program when the youth is absent without furlough (AWOL), or has escaped while on day release, medical furlough, emergency furlough, or furlough.

N. Furlough to out-of-state locations shall be pursuant to the DJJ interstate compact policies.

## **V. MONITORING MECHANISM**

- A. The Quality Assurance (QA) Branch shall perform annual facility monitoring visits to review that day release and furloughs are permitted.
- B. Internal monitoring shall be completed by the Superintendent or designee, by reviewing case files to ensure that documents are completed according to policy requirements.
- C. The FRA shall monitor to ensure that programs are authorizing leaves as appropriate.